

REMARKS

The above amendments and following remarks are responsive to the points raised in the March 25, 2004 non-final Office Action. Upon entry of the above amendments, Claims 1, 9, and 17 will have been amended. Claims 25 and 26, which have been have been withdrawn from further consideration by the Examiner as being directed to an invention that is independent or distinct from the invention originally claimed, have been canceled, without prejudice. Claims 1-24 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

Response to the Withdrawal of Claims 25 and 26 From Consideration

The Examiner has withdrawn Claims 25 and 26 from consideration on the basis that these claims are “directed to an invention that is independent or distinct from the originally claimed invention” since “[t]he applicant did not claim the changing of white balance in accordance with the on/off state of a display unit in the originally filed claims.” Applicant has canceled Claims 25 and 26, without prejudice. Applicant reserves the right, however, to pursue the subject matter of Claims 25 and 26 in a divisional application.

Response to the Rejection Under 35 § U.S.C. 102(b)

Claims 1, 6-9, 14-17, and 22-24 have been rejected under 35 U.S.C. § 103(a) as being obvious over Okino (US Patent 5,617,139). Applicant traverses this rejection. Applicant respectfully submits that Okino does not teach or suggest the invention as recited in Claims 1, 6-9, 17-17, and 22-24.

Independent Claim 1 has been amended to recite an image pickup apparatus including, inter alia:

"a release switch for controlling an image pickup operation of said image pickup device, said release switch having a first actuation operation and a second actuation operation".

Additionally, a first information acquisition operation of a white balance control unit is executed by the first actuation operation of the release switch for obtaining white balance information. A second information acquisition operation is executed by the second actuation operation of the release switch for obtaining white balance information and executing an image pick up operation of the image pickup device. Thereafter, the white balance control unit controls white balance of the picked up image on the basis of the white balance information obtained in both the first information acquisition operation and the second information acquisition operation.

In contrast, the image pickup device disclosed by Okino carries out white balance adjustment prior to and independent of the actuation of release switch 13. As disclosed by Okino, light measurement and colorimetry information are acquired upon the application of an electric power source. Subsequent to white balance determination, as disclosed by Okino, the release switch is actuated and object image information is readout from the image pickup element 3 and recorded on a recording medium. Nowhere within the Okino disclosure is it seen where Okino teaches or suggests that the release switch 13 includes (1) a first actuation operation, which actuates a first acquisition of light measurement and colorimetry information in lieu of the application of the "not shown" electric power source, and (2) a second actuation operation, which actuates a second acquisition of light measurement and colorimetry information, executes image

pick up by the image pickup element 3, and controls white balance of the picked up image on the basis of the light measurements and colorimetry information acquired during the first and second acquisitions of light measurement and colorimetry information.

In view of the above discussion, the image pickup apparatus as now recited in Claim 1 is distinguished over the applied prior art of Okino. The amendments to independent Claims 9 and 17, which recite an image pickup method and recording medium for computer-readable storing a program for executing an image pickup method, respectively, are consistent with the amendments made to Claim 1. As such, Claims 9 and 17 are likewise distinguished over Okino for the same reasons as Claim 1. Furthermore, dependent Claims 6-9, 14-16, and 22-24, which depend from Claims 1, 9, or 17, are also distinguished over Okino for at least the same reasons as their respective independent claim. Accordingly, the rejection under 35 U.S.C. § 102(b) over Okino should be withdrawn.

Response to the Rejections Under 35 § U.S.C. 103(a)

Claims 2, 4, 5, 10, 12, 13, 18, 20, and 21 have been rejected under 35 U.S.C. § 103(a) as being obvious over Okino in view of Kutaragi (US Patent 4,584,598). Claims 3, 11, and 19 have been rejected under 35 U.S.C. § 103(a) as being obvious over Okino in view of Kutaragi and further in view of Sansom-Wai et al. ((Sansom-Wai) US Patent 6,411,331). Applicant traverses these rejections and submits that Okino, Kutaragi, and/or Sansom-Wai, alone or in combination, do not teach, suggest, or render obvious, the

image pickup apparatus, the image pickup method, and the recording medium, as recited in dependent Claims 2-5, 10-13, or 18-21.

For at least the reasons discussed above, dependent Claims 2-5, 10-13, and 18-21 are distinguished over Okino for at least the same reasons as independent Claims 1, 9, and 17. Applicant, nonetheless, respectfully submits that neither of the secondary references of Kutaragi or Sansom-Wai, either alone or in combination, include any teaching, suggestion, or motivation that would teach, suggest, or motivate, one of ordinary skill in the art to modify the image pickup apparatus of Okino, as suggested by the Examiner, so that the release switch 13 includes (1) a first actuation operation, which actuates a first acquisition of light measurement and colorimetry information in lieu of the application of the “not shown” electric power source, and (2) a second actuation operation, which actuates a second acquisition of light measurement and colorimetry information, executes image pick up by the image pickup element 3, and controls white balance of the picked up image on the basis of the light measurements and colorimetry information acquired during the first and second acquisitions of light measurement and colorimetry information. As such, the subject matter recited in dependent Claims 2-5, 10-13, and 18-21 are distinguished over the prior art teachings of Okino, Kutaragi or Sansom-Wai, alone or in combination. Accordingly, the rejection under 35 U.S.C. § 103(a) over Okino in view of Kutaragi and Okino in view of Kutaragi and the rejection under 35 U.S.C. § 103(a) over Okino in view of Kutaragi and in further view of Sansom-Wai should be withdrawn.

CONCLUSION

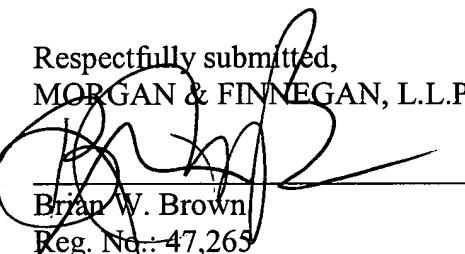
Applicants respectfully submit that Claims 1-24 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATIONS:

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4535.

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By:

Respectfully submitted,
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